869

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CONTENTS

	PAGE
Report of the Section Chairman to the 1956 Annual Meeting	1
Action of the Section at the 1956 Annual Meeting in Dallas	17
National Committee's Comments on Committee Reports	20
Report of the National Committee on Legislative Matters	22
Committee on Postal Matters—Supplemental Report	28
Supplemental Report of the Public Contracts Committee	31
The Chairman's Page	32
Organization 1956-1957	32
Membership List	38

Nothing contained herein shall be construed as the action of the American Bar Association unless the same shall have been first approved by the House of Delegates or the Board of Governors.

REPORT OF THE SECTION CHAIRMAN TO THE 1956 ANNUAL MEETING

The problems of administrative law, since the creation of the Section the subject of our particular interest and attention, have this year become a principal concern of the Association. At its midyear meeting, the House of Delegates authorized a comprehensive legislative program on administrative procedure and practice.

At its midyear meeting, the House of Delegates adopted recommendations of the Special Committee on Legal Services and Procedure which call for the enactment of a new Code of Federal Administrative Procedure to replace the present Administrative Procedure Act; the creation of a new office of Administrative Procedure and Legal Services which, among other things, will administer new laws dealing with hearing commissioners and with the performance of legal services within the Federal government; the establishment of one or more new courts which will perform judicial functions now being performed by certain administrative agencies; the enactment of comprehensive legislation dealing with the rights of lawyers and others to represent persons and organizations before federal agencies. It also adopted a recommendation of the Section of Administrative Law calling for the establishment of a congressional committee on Administrative Procedure and Practice.

In accordance with authorization from the Board of Governors, the Special Committee on Legal Services and Procedure is moving rapidly to implement these recom-

mendations through five Advisory Groups, each under the chairmanship of a member of the Special Committee. All committees and sections of the Association were requested to designate representatives to serve upon these Advisory Groups to the extent of their interest in the different subjects. (See 42 ABAJ 637.)

The Section of Administrative Law has an important role in the implementation of these resolutions: It has been delegated the task of initially drafting the proposed Code of Federal Administrative Procedure and it has representatives on four out of the five Advisory Groups. These representatives will report to the Section Tuesday afternoon, August 28, on the work of their Advisory Groups.

As I reported in the Chairman's Page of the July Bulletin (Vol. 8, No. 4), a drafting committee of the Section has been appointed. The Drafting Committee will hold open house for technical drafting suggestions on Wednesday morning, August 29, and will finish its task in time for all members of the Section to consider and comment upon a copy of the draft before Council action on behalf of the Section, September 18 to 20. Members of the Section will be invited to submit their views in writing thereon to the Council through the secretary of the Section and to attend the Council meeting.

Through the Bulletin, the Section has been informed of the action of the Council in these main matters. However, Section activity during the current year has been concerned with many other matters as well. Some of these had their origin in Section action at the 1955 annual meeting or earlier. Other action was taken by the Council pursuant to the Article VI, Section 1, of the By-Laws, providing that:

> "During the interval between meetings of the Section, the Council shall have full authority to act for the Section in any way in which the Section itself would be authorized to act, and any such action taken by the Council pursuant to this provision shall be reported to the members of the Section at the next annual meeting of the Section."

I report, herewith, in behalf of the Council, on matters in both categories.

The Hoover Commission Reports and the Report of the President's Conference on Administrative Procedure

At the annual meeting in Philadelphia, the Section authorized the Council to formulate and "to state the position of the Section with respect to the recommendations of the Hoover Commission on Legal Services and Procedure and of its Task Force on that subject on such occasions as may arise prior to the 1956 annual meeting." (8 Ad. L. Bul. 1.) The Special Committee of the Association on Legal Services and Procedure being required to report to the House of Delegates at the 1956 midwinter meeting, the Council held a two-day meeting in October to formulate resolutions on these subjects. These resolutions, set forth in the December issue of the Bulletin, received careful consideration by the Special Committee (see 8 Ad. L. Bul. 102-104) which issued its final report with recommendations and conclusions on

February 1. The resolutions formulated by the Special Committee were published in the special February issue of the Bulletin. At its midwinter meeting, the Council considered the resolutions of the Special Committee and adopted the first six as the position of the Section and deleted from Resolution 7 the recommendation for the discharge of the Special Committee. The Council adopted the following additional resolution, opposing general exemptions from the provisions of the Code of Federal Administrative Procedure proposed by the Special Committee:

> RESOLVED, That the American Bar Association recommend to the Congress that no general exemption be granted to any department, regulatory commission or other agency from the provisions of such Code of Federal Administrative Procedure, and
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> FURTHER RESOLVED, That in the opinion of the American Bar Association the Congress should grant to an agency exemption from any specific provision of such Code only upon a clear showing by the agency that in the public interest such specific provision is properly inapplicable to the particular agency function with respect to which such exemption is sought.

When I proposed this amendment, I was ruled out of order. The Special Committee had earlier approved the purport of the resolution, which is consistent with the 1951 resolution of the Association approving "in principle the repeal of all federal laws or parts of laws which grant exemptions to federal administrative agencies from the provisions of the Administrative Procedure Act." (76 ABA Rep. 130-131.)

Considering the general nature of the recommendations of the Special Committee and the probability that the implementation of its recommendations would, in good part, effectuate the more specific resolutions passed by the Section with reference to the President's Conference on Administrative Procedure (see 8 Ad. L. Bul. 10-12), the Council decided not to present these resolutions to the House of Delegates at its midwinter meeting.

Congressional Committee on Administrative Procedure

At its special meeting in October, the Council authorized the chairman to appoint a special committee of the Council, to be directed to report back to the full Council following its "consideration of the recommendation that there should be a Joint Committee of the Congress, made up of representatives of the Judiciary Committees and the Committees on Government Operations, whose purpose it would be to consider administrative procedure matters." The report of the Special Council Committee and its recommendation appeared in the February issue of the Bulletin. The resolution was approved by the Council and adopted by the House of Delegates on February 20, 1956.

Copies of the ABA resolution were transmitted to the chairmen of the Committees on the Judiciary and Government Operations in both Houses of Congress, to the majority and minority leaders and to the Vice President and the Speaker of the

House. On receipt of the resolution, Congressman Celler wrote Mr. Stecher that he had, on February 21, 1956, appointed a special subcommittee within the Judiciary Committee to perform some of the functions recommended in the resolution (Ashmore, Boyle and Curtis). The Speaker introduced the ABA resolution as a petition which was referred to the House Committee on Rules.

The chairman of the Rules Committee, Howard W. Smith, wrote Mr. Stecher offering to introduce a resolution based on a revised statement embodying the exact jurisdiction of the proposed committee. With the assistance of the head parliamentarian of the House, we prepared a draft which Mr. Smith introduced, by request, as H. Res. 462, 84th Cong., 1st Sess. That resolution proposes the establishment of a new standing committee on Administrative Procedure and Practice with legislative jurisdiction over administrative procedure, publication of rules, orders and policies, and hearing officers in administrative proceedings. The proposed committee would have the duty of (a) studying complaints concerning abuses of administrative authority and the exercise of unusual and unexpected powers, (b) studying the need for more precise legislative standards to limit the exercise of administrative discretion in areas of delegated power, (c) determining the fairness and adequacy of procedures and practices of administrative agencies, and (d) evaluating the effects of laws enacted to regulate procedures of administrative agencies. (See 42 ABAJ 638-639.)

Congressman Smith then established a subcommittee (Bolling, chairman, and Latham and Smith, members) which held a three-day hearing in May on the resolution. The witnesses included former ABA presidents Cody Fowler and Robert G. Storey; ABA president-nominee David F. Maxwell; the nominee for the chairman of the House of Delegates, Charles S. Rhyne; Judge David Peck, presiding justice of the New York Supreme Court, Appellate Division, First Department; Bernard Schwartz, director of the Institute of Comparative Law, New York University; and your chairman and vice-chairman.

After the conclusion of the hearings, the subcommittee sent printed copies of the testimony to the chairmen of all the standing committees of the House and to the vice-chairman of the Joint Committee on Atomic Energy, requesting them to submit their views on the resolution in writing. Of the nineteen Representatives whose views were solicited, ten replied. All favored the objectives. However, Congressman Celler, chairman of the Committee on the Judiciary, asserted that the legislative functions properly belonged to that committee. On the other hand, Congressman Dawson, chairman of the Committee on Government Operations, indicated that the functions more properly belonged to his committee. He stated he was willing and able to staff a special subcommittee with such functions, apart from extant subcommittees which have been concerned with related problems.

The subcommittee agreed that, under these circumstances, it should attempt no

further action during the 84th Congress. The matter was referred to legislative reference for research and historical analysis during the interim period. It is clear that the prospects for the ABA proposal in some satisfactory form should be good during this next session. The interest in the House also has sparked interest in the Senate.

A limited number of copies of the printed hearings are available and may be obtained by making written request to my office.

In the meantime, the whole problem of legislative oversight of administrative activity has been brought forcibly to the attention of Congress. See the extension of remarks of the Hon. Chet Holifield on the Activities of the House Committee on Government Operations during the Second Session of the 84th Congress, in the Congressional Record for August 13, 1956, at A6368-6369, on "Study of Administrative Procedure":

> "It is only within the adult life of most of the Members of Congress that the growth of recourse to administrative agencies has made the Federal agencies assume such great importance. This growth has been so phenomenally rapid that the attention of Congress to matters of administrative procedure has lagged behind the growth. Yet more and more our daily lives and economic activity are influenced or directly regulated by procedures within Federal agencies.
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> "The Hon. William L. Dawson, chairman of the committee, recently made the following comment on this subject:
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> 'The calculated executive appropriation of direction and control in the administrative agencies tends to obscure the fact that these rulemaking functions are derived solely from the Congress in the exercise of which the administrative agencies are responsible to the Congress.
>
> 'The remedy for the resultant administrative irresponsibility is a conspicuous and unequivocal precept that these agencies are conformably accountable to the Congress. As Elihu Root said, "these agencies of regulation must themselves be regulated."
>
> 'And the application of this remedy is exclusively in the hands of Congress. Professor Schwartz has appositely pointed out, "the role of the courts is to grant relief against administrative action which is ultra vires—that is, which exceeds the limits of powers delegated by law." '
>
> "As a means of implementing these views a questionnaire is being sent to each administrative agency in the Government. This questionnaire is prepared by experts in the field and covers every aspect of the numerous questions that arise. The purpose is to examine whether the laws enacted by the Congress are being efficiently administered so as to serve the public purposes embodied in the statutes while incorporating the elements of fair play to our citizenry which the courts long ago characterized as the due process necessary to the preservation of our system of government.
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> "The answers to this questionnaire will be published this year. It is expected that they will serve to disclose places in the present law which need amendment, instances which require

administrative remedial action and areas not covered by any law or regulation.

"This may well be one of the most useful and far-reaching studies made by this Congress."

On the same day, the Hon. Emanuel Celler reported on the record of activity of the Committee on the Judiciary in the Cong. Rec. at A6448:

"The Special Subcommittee on the Administrative Procedure Act, composed of Messrs. Ashmore, chairman, Boyle, and Curtis of Massachusetts, directed its attention to legislation concerning administrative procedure to insure that the integrity of the Administrative Procedure Act is preserved. The Subcommittee completed a study concerning deviations from the Administrative Procedure Act. This study not only indicates instances where Congress has provided express exemptions from the requirements of the Administrative Procedure Act, but also indicates instances in which Congress has provided procedural requirements which are more strict than those proscribed by the Administrative Procedure Act.

"The Special Subcommittee also assisted in the formulation of committee views on House Resolution 462, a resolution to create a new standing Committee on Administrative Procedure in the House of Representatives. In conjunction with its study of House Resolution 462, the Special Subcommittee analyzed and examined the work of the Judiciary Committee regarding administrative procedure, the staff study on the Hoover Commission Report on Legal Services and Procedure and the testimony before the Rules Committee concerning House Resolution 462. The fruits of this analysis and examination were made available to the full committee and served as a basis for the statement made by the Judiciary Committee and forwarded to the Rules Committee which was considering House Resolution 462."

Civil Service Commission Appointment of an Advisory Committee in Connection with the Hearing Examiner Problem

By press release on August 23, 1955, the Civil Service Commission announced that it would set up "an advisory group of six outstanding citizens who are authorities in the field of administrative law to advise * * * on program and policy problems relating to hearing examiners." The announcement stated that "an official of the American Bar Association" was to be among the six. The Council considered this announcement at its October meeting and decided that its role in relation to the Atlanta resolution on Hearing Examiners (79 ABA Rep. 500) required it to oppose continued administration of the hearing officer program in the Civil Service Commission and advised Association President Smythe Gambrell of the impending Civil Service Commission request. The Council adopted a resolution recommending that the Association accept, if extended, an invitation from the Civil Service Commission to serve on its Advisory Committee but that the designee appointed should be cautioned that he was to "participate in a listening capacity, reserving the American Bar Association's position expressed in the Atlanta resolution."

On March 2, 1956, Civil Service Commission Chairman Philip Young informed Smythe Gambrell that the Commission had decided to establish an advisory group and requested suggestions as to individuals within five categories of employment. I wrote President Gambrell suggesting the names of two private practitioners and recommending that the Association not suggest names falling within other categories, flagging the Association's position on hearing examiners. On April 11, 1956, Smythe Gambrell transmitted to Chairman Young these suggestions, indicating that the Association did not thereby intend to depart from its position regarding the jurisdiction of the Commission over hearing examiners. The Commission has as yet made no public announcement of the establishment of the proposed advisory group.

Immigration and Nationality

On November 17, 1955, Senator Kilgore, chairman of the Judiciary Subcommittee on Immigration and Nationality, received copies of the four resolutions on immigration and nationality adopted by the Board of Governors at its October meeting as a result of the recommendations made by the Section at the 1955 annual meeting.

On November 21, 1955, Senator Kilgore commenced hearings on proposed amendments to the Walter-McCarran Act. (See 7 Ad. L. Bul. 236-239; 8 Ad. L. Bul. 7-8.) Louis L. Jaffe, chairman of the Section's Committee on Immigration and Nationality, and Benjamin G. Habberton, the vice-chairman, submitted a statement to the Senate subcommittee of the testimony they intended to present on November 29, 1955, when they were scheduled to appear. In that statement they supported four proposed amendments to the basic immigration law: (1) the establishment of a Board of Visa Appeals; (2) procedure for hearing an alien about to be excluded as a security risk but safeguarding sources of confidential information; (3) extension of the formal hearing provisions of the Administrative Procedure Act to alien matters in which an administrative hearing is required to be had by statute or by the Constitution; and (4) provision for judicial determination of all claims of nationality regardless of whether the claimant is within or without the country and the entitlement of a certificate of identity to enable the claimant to appear. The scheduled appearance of Professor Jaffe was canceled by the Subcommittee. No action was taken this past session on any of the proposed amendments to the Walter-McCarran Act.

State Department Matters: United States Passport Denial and Review

H. R. 9991, the Walter passport-hearing bill, would have amended the Administrative Procedure Act to provide for "Passport Review Procedure." The provisions would have given legislative sanction to the present procedures of the State Department with respect to passport refusals and had the support of the Department.

Congressman Celler advised the Section that hearings were scheduled to commence on this bill on May 28, 1956. Sigmund Timberg, the vice-chairman of the newly

established Section Committee on State Department Matters, reported on the bill at the Council meeting on May 27. He reported that the bill provided for a formalized whitewash of State Department action and denied the elements of "due process" which the Courts have held to be required by the Constitution in passport hearings. He enumerated specific violations of the principles of the Administrative Procedure Act: (1) the reviewing officer had both prosecuting and judicial functions; (2) no provision was made for publicizing the recommendation of the hearing officer or the reasons for the Secretary's final action; (3) although all information in department files was to be considered as evidence, the bill specifically denied access to such information by the individual affected and the privilege of asking for more information was meaningless because of the absence of standards for the exercise of the discretion granted the hearing officer to grant or refuse additional information; (4) the provision for representation was restricted to *authorized* representatives.

Acting pursuant to the 1950 general authorization from the Association to the Section "to preserve the gains made by the adoption of the Administrative Procedure Act and to develop and seek the adoption of improvements thereof, as well as additional measures to like purposes," the Council voted to oppose H. R. 9991, on these grounds, and to request permission to file a written statement thereon, in lieu of oral testimony. The statement, incorporated in "Hearings Before Subcommittee No. 1, Committee on the Judiciary, on H. R. 9991," printed for use of the Committee, detailed the reasons for opposing H. R. 9991, and concluded that "The Association believes, however, that constitutional due process could be afforded by making the Administrative Procedure Act of 1946 applicable to proceedings having to do with refusal to issue or review passports."

The bill was not reported out of Committee.

Impounding of Mail by the Postmaster General

At a meeting on October 22, 1955, the Board of Governors approved a resolution setting forth standards under which the Postmaster General might be permitted to impound mail on grounds of obscenity for an interim period (see 8 Ad. L. Bul., 8-9, 15-16). The resolution as approved by the Board of Governors authorized the Council to decide upon a period not exceeding twenty days in lieu of the ten-day period proposed by the Section. In October the Council decided to authorize the Section chairman and the chairman of the National Committee to negotiate for any period between ten and twenty days. The problem was assigned to the Section Committee on Postal Matters which has fully reported its actions in the July Bulletin (8 Ad. L. Bul. 129-130).

In the closing days of the second session of the 84th Congress, the Senate approved H. R. 9842, to authorize the Postmaster General to hold or detail mail for a twenty-day period pending extension of time by

a court. An amendment proposed by Senator Monroney exempts regular publications such as newspapers and magazines, which are entered as second-class matter, and books and other publications registered under the Copyright Act when addressed to publishers or distributors of publications. In good part due to the efforts of the Section Committee on Postal Matters, the House committee reporting the bill stated:

> "The committee recognizes that even in its present form the bill gives the Postmaster General extraordinary and summary powers to impose a substantial penalty by impounding a person's mail for up to twenty days in advance of any hearing or any review by the courts. Such power is directly contrary to the letter and spirit of normal due process, as exemplified by the Administrative Procedure Act, which requires a hearing before any penalty may be imposed. The Post Office Department has made its case for this legislation on the grounds that a temporary and summary procedure is required to deal with fly-by-night operators using the mails to defraud or to peddle pornography, who may go out of business—or change the name of their business or their business address—before normal legal procedures can be brought into operation."

In the debate prior to enactment of the bill as amended (July 11, 1956, Cong. Rec. 11,129-11,132), Senator Johnson of South Carolina in support of the bill stated:

> "The American Bar Association had opposed a bill of similar nature last year. However, the pending law was submitted to that association, and it was cleared by it."

The bill was passed and signed by the President on July 27, 1956.

Indian Matters

At its October meeting, the Board of Governors adopted three resolutions modifying the resolutions adopted by the Section at its 1955 meeting and relating to Indian Claims Commission matters. (See 8 Ad. L. Bul. 8.) The Department of Justice effectively opposed any legislation extending the time for filing claims with the Indian Claims Commission and no action was taken on the four bills to that end pending in the House of Representatives, H. R. 2200, H. R. 238, H. R. 1563, and H. R. 3238. (See 8 Ad. L. Bul. 19 for the background on this matter.)

H. R. 5566 which extends the life of the Indian Claims Commission for five years was enacted into law, being approved by the President on July 24, 1956. As it passed the House of Representatives it provided that the attorneys appointed to conduct hearings on Indian Claims should not be subject to the Administrative Procedure Act. The Section Committee on Indian Claims was instrumental in obtaining the deletion of this provision by the Senate committee reporting the bill and in retaining the Senate version eliminating it during conference on the House and Senate versions.

The appropriation bill contained an exemption from the Administrative Procedure Act for hearing officers handling Indian probate matters, of which we did not learn until after its enactment.

Fees for Government Services

There has been continued activity by the Section to secure repeal of Title V, entitled, "Fees and Charges," of the Independent Offices Appropriation Act, 1952, pursuant to the authority given it by the 1955 resolution adopted by the House of Delegates advocating such repeal and urging that "no schedules of agency fees and charges of the character specified in said Title V should be adopted unless first authorized by specific legislation dealing with the particular subject matter or agency." (80 ABA Rep. 399; see also 8 Ad. L. Bul. 13-14.)

As you remember, this resolution was in part responsible for S. Res. 140, introduced on July 27, 1955, by Senator Warren G. Magnuson on behalf of himself as chairman of the Committee on Interstate and Foreign Commerce, and of Senator John W. Bricker, the ranking minority member, authorizing the Committee on Government Operations to conduct a full and complete study and investigation of the feasibility and practicability of establishing uniform fees and charges for any work, service, franchise, license, permit, or similar thing of value furnished or granted by any Federal agency. The efforts of the Section up to the Congressional recess on August 2, 1955, were reported at the last annual meeting.

Upon the convening of the second session of the 84th Congress, the Committee on Rules and Administration gave consideration to S. Res. 140, and ordered the resolution, as amended, by the Committee on Government Operations, reported favorably on January 11, 1956. The chairman of the Committee on Government Operations suggested to the chairman of the Rules Committee that this action be rescinded, in view of the fact that the study had already been undertaken to accord with the objectives of S. Res. 140 under authority already vested in that committee by the Legislative Reorganization Act, at least until such time as the Committee on Government Operations could determine whether further studies or investigations would be necessary. The Committee on Rules and Administration thereupon reconsidered its previous action and indefinitely postponed further action on the resolution. On February 1, the Senate Committee on Government Operations released Report No. 1467, 84th Cong., 2d Sess., on "Fees for Government Services."

The recommendations in the report are in accord with those of the Association. In sum, that (1) changes with respect to appropriate fees and charges for special services rendered by the Government, for the benefit of persons or agencies other than for the public benefit, should be considered by the respective jurisdictional committees; (2) fee assessments and adjustments to be made by individual Federal agencies should be evaluated and approved by the appropriate committees and, if necessary, remedial legislation should be recommended to the Congress by such committees. The Committee recommended that the committees of the Congress having oversight jurisdiction over agencies rendering special services should (1) ascertain from such agencies the need for

effecting adjustments in existing schedules of fees; and (2) initiate appropriate legislative action required to implement fully agency fee programs in the public interest.

Donald C. Beelar, the chairman of the National Committee, diligently persevered in obtaining a hearing on the ABA resolution before the Subcommittee on Government Matters of the House Committee on Appropriations on February 17. Accompanied by Chisman Hanes, the vice-chairman of the National Committee, he urged the repeal of the 1952 rider and the "clean-slate approach to the problem, agency-by-agency, as recommended in Senate Report 1467." The Committee did not recommend the repeal of Section 140 of Title V.

Standards for the Imposition of Money Penalties

At the 1955 annual meeting the Section adopted resolutions opposing legislation authorizing Federal agencies to impose money penalties for alleged violation of law or regulations as a regulatory device in the absence of specific standards and opposing S. 1549, H. R. 5613, and S. 1649 as deficient in those particulars. The Section authorized the Council to postpone presentation of the resolution and to propose an alternate resolution with respect to any redraft of the specific bills involved. (8 Ad. L. Bul. 9-10.) At the October meeting of the Council, the chairman of the National Committee reported that no redrafts had been prepared.

At its midwinter meeting, the Council accepted and the House of Delegates adopted the following resolution concerning standards for the approval of legislation authorizing Federal agencies to impose money penalties:

> Be it Resolved, That it is the view of the American Bar Association that legislation authorizing Federal agencies to impose money penalties for alleged violation of law or regulations should not be authorized as a regulatory device except upon a most convincing justification and subject to fair procedural standards, including (1) a clear statutory specification of the offense subject to the money penalty sanction, (2) provision for adequate and fair procedures, including notice to the accused and opportunity to answer prior to the imposition of the penalty, and (3) other safeguards to avoid an agency prejudgment of guilt and the imposition of double penalties for the same offense and to afford opportunity for a fair hearing; and
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> Further Resolved, That the Administrative Law Section is authorized and directed to represent the Association in furtherance of the above-stated views.

The specific statutes giving rise to the Section's action were cited in the reasons for the recommendations, along with S. 308, 84th Cong., 1st Sess., which would amend the Civil Aeronautics Act so as to provide for the imposition of civil penalties for the violation of *any* of the economic provisions of that Act, an enlargement upon the provisions for civil penalties contained in S. 1649.

Copies of this resolution were sent to the two committees considering legislation involving the imposition of money penal-

ties. On the basis of press reports indicating that the Subcommittee on Transportation and Communications, Interstate and Foreign Commerce Committee of the House of Representatives, was going to consider H. R. 5613, the chairman of the National Committee requested an opportunity to present the views of the Association on this subject. He was scheduled to present testimony on April 19, 1956, and prepared a statement on H. R. 5613.

The Committee, however, did not reach Mr. Beelar nor schedule his reappearance. The legislation involved was pending in committee when Congress adjourned.

Providing Interlocutory Relief After "Reasonable Notice" to the Agency

H. R. 6631, introduced by Congressman Priest, would amend Section 1006 of the Civil Aeronautics Act of 1938 and the Act of 1950 "to provide for review of orders of Federal agencies," 5 U. S. C. § 1039, to empower appellate courts to grant interlocutory relief after "reasonable" notice to the agency, in lieu of the present requirement for five days' notice. Early in April, Judge Barrett Prettyman advised me that the legislation was introduced at the request of the late Judge Harold Stephens and had the support of the Court of Appeals for the D. C. Circuit which felt that the five days' notice requirement can frustrate the relief needed.

Hearings were held on H. R. 6631 on April 19. Pursuant to the 1950 general authority to preserve the gains of the Administrative Procedure Act, the Council at its May meeting authorized support of the bill. A letter urging its enactment was sent to the House Committee on Interstate and Foreign Commerce on June 6, 1956, which noted that the proposed amendment was consistent with the provisions of Section 10(d) of the Administrative Procedure Act authorizing reviewing courts to prevent irreparable injury and issue all necessary and appropriate processes to postpone the effective date of any agency action under appeal.

S. 2128, the counterpart to H. R. 6631, was introduced on June 2, 1955, by Senator Magnuson.

No action was taken on either bill. As H. R. 6631 and S. 2128 had the support of the Judicial Conference, the Administrative Office of the United States Court, and were not opposed by the affected agencies, it is probable that they will be reintroduced during the next session.

Study of Statutory and Administrative Restrictions on Attorneys' Fees

At its October, 1955, meeting, the Board of Governors considered an inquiry from Kenneth Agee of the Ohio bar with respect to statutory or administrative restrictions on attorneys' fees, which it referred to the Section with the request that it give the matter consideration and report back to the Board at the midwinter meeting. I reported that the study had been undertaken but was not completed.

The Committee on Administrative Practitioners made a compilation of Federal statutes and regulations and studied the actual practices of Federal agencies in this field by questionnaire to the executive

agencies. The Committee on State Administrative Law was asked to supply comparable information on state regulations. This study is reported in the July issue of the Bulletin (Vol. 8, No. 4). The Council and the Section will consider the conclusions of the Committee at the annual meeting.

Other Matters

At its midwinter meeting the House of Delegates adopted a resolution passed by the Section at the 1954 annual meeting recommending the grant of subpoena powers to boards of contract appeals. (See 8 Ad. L. Bul. 10, and commentary.) The Committee on Public Contracts hopes to present a draft of legislation on this matter to the Council and Section for action during the 1956 annual meeting.

The House of Delegates also adopted a resolution favoring the establishment of a special committee in the Association on the Impact of Atomic Attack (see 8 Ad. L. Bul. 7). As I noted in my Chairman's Page in the February issue (Vol. 8, No. 3), Hans Klagsbrunn was named chairman of that committee.

Other matters with which the Section has been concerned during the current year are discussed in the committee reports printed in the July issue of the Bulletin (Vol. 8, No. 4). These will be among the subjects to be considered by the Section.

Regional Meetings

In the spring of 1955, members of the Public Contracts Committee of the Section prepared and developed a program to be put on at the annual meeting in Philadelphia. This program was entitled "A Demonstration of a Board of Contract Appeals Case." The demonstration covered the administrative settlement of Government contract disputes, from the dispute with the contracting officer through the Board of Contract Appeals and into the United States Court of Claims. The members of the Section who developed the program acted as a panel of five to put on the demonstration at the 1955 annual meeting in Philadelphia.

The chairman of the Committee of Regional Programs, Robert Moss, who was then chairman of the Public Contracts Committee, introduced the demonstration with a brief discussion of the history of the concept of administrative settlement of Government contract disputes, and acted as chairman of the panel. John C. Hayes, a member of the Public Contracts Committee, and general counsel for the Associated General Contractors, discussed the contract, the disputes arising thereunder, the conference with the contracting officer, and the contracting officer's written decision as co-counsel for the contractor. Bernard J. Gallagher, then vice-chairman and now chairman of the Public Contracts Committee, acted as co-counsel for the contractor, and discussed the notice of appeal, the contractor's complaint, the motion for discovery and order thereon, the pre-hearing order, the trial of the case, and the brief of the appellant before the Board of Contract Appeals. Gilbert A. Cuneo, of the Public Contracts Committee, now vice-chairman of the Public Contracts

Committee, and a member of the Armed Services Board of Contract Appeals, acted as chief trial attorney for the Government. As such, he discussed the Government's answer, the motion for discovery and the pre-hearing order, the trial of the case, and the Government's brief. Theodore H. Haas, presently chairman of the Committee on Administrative Practitioners, and chairman of the Interior Department Board of Contract Appeals, handled the decision of the Board and discussed proceedings before Boards of Contract Appeals. The panel chairman wound up the demonstration with a discussion of the enforcement of the award and judicial review.

This program was so well received at Philadelphia, that the Council of the Section decided to make the demonstration available to all of the Regional Meetings of the American Bar Association. The demonstration was put on in St. Paul, at the Northwest Regional Meeting in October of 1955, in New Orleans at the Deep South Regional Meeting in November of 1955, and in Hartford, Connecticut, at the Northeast Regional Meeting in April of 1956. In addition, under the joint sponsorship of the Federal Bar Association and this Section, the demonstration was put on in Washington, D. C., in January of 1956.

In connection with the preparation of the demonstration for the 1955 annual meeting, a brochure containing the basic material covered by the demonstration was prepared by the members of the panel and distributed to the audience. The material contained in the brochure had never before been printed or distributed anywhere. It proved to be not only popular but informative. It was reproduced, after the annual meeting, with the consent of the panel members, by the Office of the General Counsel, Department of the Navy, and widely distributed to Government attorneys and members of boards of contract appeals. It was also reproduced by the Small Business Administration and widely distributed throughout the United States. It was only through the cooperation of these agencies that the Committee was able to obtain sufficient brochures to support the demonstration at the regional meetings and at the Washington, D. C., meeting, as the Section was unable to pay for more than the first printing for the 1955 annual meeting.

All of the meetings at which the demonstration was given were well attended and well received. A total of over 950 copies of the brochure were distributed at those meetings. At least another thousand were distributed by the Office of General Counsel and the Small Business Administration under the circumstances described above.

As I have reported in my Chairman's Page, either Robert Benjamin or I have participated in all these programs. Clarence Davis addressed the Pacific Northwest Regional Meeting of the ABA, in Spokane, Washington, appearing, however, in his capacity as president of the Federal Bar Association.

London Meeting

The Council voted on May 27 to hold sessions in New York on July 12 and 13, 1957, during the annual meeting and to schedule a session for the 1957 London meeting some time between July 24 and July 30. A committee composed of Bernard Schwartz, Dean Stason and Frank C. Newman was appointed to handle matters concerning the London meeting and program. Dean Stason will be in England the latter part of September, 1956, and Professor Schwartz is testifying before the Franks Committee, currently studying all aspects of administrative procedure in England, in October, 1956. E. H. Wall, secretary of the Society of Comparative Legislation and International Law; Professor L. C. B. Gower, secretary of the Society of Public Teachers of Law, the Institute of Advanced Legal Studies; T. E. Lund, secretary of the Law Society; and Professor Hamish Ross Gray, Department of Law, Nottingham, have all been approached for assistance in formulating a program of interest to the English as well as the American Bar and have indicated their willingness to cooperate with the Section. Nothing definite can be planned until after both Dean Stason and Professor Schwartz have returned from their fall visits to England and reported thereon to the Council.

Section Organization, Development, and Finance

At the 1955 meeting, the Section authorized the establishment of several new Section committees: Aviation, Gas and Electric Power, Food and Drugs, Indian Claims, Maritime Transportation, State Department Matters, and Treasury Department Matters. At the Council meeting in October, the Council authorized the establishment of a Committee on Mobilization. The Committee on Indian Claims and State Department Matters have been active this past year and the Committees on Treasury Department Matters and Mobilization have begun projects. The other new committees have not, to my knowledge, been active. Many other committees have been inactive this year, perhaps with reason. I have been informed that one committee did nothing because none of the topics suggested for committee consideration was free from controversy. I deplore this reason for inaction but absolve myself and the other members of the Council from any responsibility in the matter.

The role which the Council should play in planning projects for committees and in policing their activity is one of the matters for Council and Section consideration at the annual meeting.

This year the Committee on Section Development undertook a broadside membership campaign. Beginning in December and continuing until the midwinter meeting, Earl Kintner, vice-chairman of the Committee, mailed approximately 12,500 membership solicitation letters, some six thousand to the members of the ABA Sections of Patent, Trade-mark and Copyright, Mineral Law, Antitrust Law and Corporation Law, and 6,500 to new members of the Association. In February,

I directed closing of the campaign due to its cost, thereafter authorizing only the circulation of the 2,500 members of the D. C. Bar's Administrative Law Section.

The initial cost of the campaign has been $1,353. I am pleased to report that the latest reports from the ABA headquarters indicate that the Section has acquired 312 new members during the year 1955-1956, making the membership as of August 1, 1956, total 1,505. This is a current net, dues-paying membership. All who had not paid their dues by January 1, 1956, were automatically canceled, with no final record kept of the number of cancellations for the year. A report from Chicago on February 15, 1956, indicated thirty-seven cancellations and seven deaths among the Section's membership up to the time such record-keeping was abandoned. Assuming an attrition number of forty-five, the present record indicates a new member count of 372, or a nearly one-third gross membership increase over July 12, 1955. Earl Kintner estimated that approximately 90 per cent of these new members were obtained through the broadside mail solicitation, although Harry Frank, vice-chairman of the Committee on Section Development, engaged in a productive personal-membership campaign. Although the 2.5 per cent return seems small, the increase in dues fully pays for the cost of the drive. The Council has considered various methods of maintaining Section membership and has sought to permit all members to express their opinions on matters of general interest and to indicate their interest in participating in the work of Section committees (see the questionnaire on the back page of the July issue of the Bulletin).

The Council has wrestled this year with the problems of the Section budget and finances as well as the burdens placed upon any person who has the honor of being chairman of the Section. After examining a statement of the 1955-1956 estimates, the actual expenditures during the first ten months of 1955-1956, and the estimates for 1956-1957, the Council at its May meeting urged that further study of the finances of the Section should be made. I appointed a committee composed of Harold Russell and Herman Tocker, who completed a report which will be carefully considered by the Council. The problem is a complicated one, increased by the fact that the Chicago office's expenditure classification system is unpredictable. This year again the drive for voluntary contributions has been a successful one, adding some $2,035 to the Section's income. That you may know the need for such extra monies, I want to set forth for you the Certified Public Audit on the Income and Expenditures of the Section for the Fiscal Year, ended June 30, 1956.

INCOME

Dues	$ 6,552.00
Appropriation	1,600.00
Voluntary contributions	2,035.00
Annual Meeting—Breakfast and Luncheon	766.45
Package Plan	350.39
Luncheon—Edgewater Beach Hotel	99.60
Other income or credit	13.08
TOTAL INCOME	$11,416.52

Expenditures	
Annual Meeting (including cost of breakfast and luncheon)	$ 1,458.54
Bulletin	2,279.76
Express and Freight	126.43
Membership	887.79
Miscellaneous	12.42
Postage	261.49
Printing and Duplicating	2,338.54
Stenographic and Clerical Expense	1,632.95
Stationery	275.25
Telephone, Telegraph	105.36
Travel Expense	2,318.28
Total Expenditures	$11,696.81
Overdraft	$ 280.29
Reserve Fund, June 20, 1955	$899.45
Deduct Overdraft	280.29
Reserve Fund, June 30, 1956	$619.16

The inadequacy of the Section's normal budget is reflected in the experience of the immediate past-chairman and the current chairman. The past-chairman was not reimbursed for approximately $5,000 in expenditures incurred in behalf of the Section. I have expended approximately $7,200 for which I have been unreimbursed. The chairmanship of the Section is almost a full-time job. It should not, in addition, be a financial burden. The method for solving this problem will be given consideration by the Council and the problem will be presented to the Board of Governors.

Respectfully submitted,

Rufus G. Poole,
Chairman.

August 16, 1956

ACTION OF THE SECTION AT THE 1956 ANNUAL MEETING IN DALLAS

At its 1956 Annual Meeting in Dallas, the Section considered the matters set out below. Where comment follows the statement of Resolutions adopted at that meeting, the current status of the matter is given.

1. *The Revised Code of Federal Administrative Procedure.* The final session of the Section's 1956 Annual Meeting at Dallas was an "open house" which received the Section members' comments on the then current draft of a Proposed Code of Federal Administrative Procedure prepared by the Section's Drafting Committee under the Chairmanship of Dean Stason. Subsequently, the Drafting Committee formulated a new draft which was distributed to Section members for comment. The Council, at a two-day session in Washington, September 22-23, 1956, considered those comments and suggestions and those of some fifty Section members who attended the Council meeting. Thereafter the draft, as approved by the Council, was transmitted again to the Section membership for further comment. Later, what was actually a *seventh* draft by your Section's Drafting Committee was submitted to Advisory Group 2 on October 28, 1956. Advisory Group 2 met December 1, 1956, considered the draft and suggestions received, and submitted a final draft to the Sellers' Special Committee on December 15, 1956. The Special Committee met to consider the draft over the weekend of January 26, 1957, made some revisions and then decided to submit a further revision to bar association groups and sections for further criticism and comment. It is understood that the Special Committee will meet early in March, 1957 to consider the final draft.

2. *Budget and Finance Committee.* The Committee appointed at the Dallas Annual Meeting to consider the advisability of a budget officer for the Section recommended the establishment of a

Section "housekeeping" committee to exercise jurisdiction over the budgetary and financial problems of the Section and to assist the Chairman in formulating Section requests to the Board of Governors for appropriations. That recommendation has been approved by the Council by mail vote and a committee has been appointed with Mr. Herman Tocker as Chairman.

3. *Special Committee to Deal With H. Res. 462.* At the Dallas Meeting, the Section voted to establish a special committee to further the position of the Association that special Congressional committees should be established on administrative procedure. That Section committee has been duly appointed, with Mr. Hans A. Klagsbrunn as Chairman and Mr. Rufus Poole as Vice Chairman and House Res. 462 (84th Congress) has been re-introduced in the 85th Congress as H. Res. 119 by Congressman Smith of Virginia.

4. *Administrative Procedure Act for the District of Columbia.* The Section adopted the following Resolution at the Annual Meeting:

> RESOLVED, That the Section of Administrative Law, acting on the authority delegated to it by the House of Delegates, adopts the following resolution:
>
> RESOLVED, That it is the opinion of the American Bar Association that the Congress should enact an administrative procedure act for the government of the District of Columbia of the character of H. R. 11625 of the 84th Congress.

Comment: Report by the National Committee on this legislation will be included in the next BULLETIN.

5. *Statutory Restrictions On Attorneys' Fees.* The Section adopted the following resolution at the Annual Meeting:

> RESOLVED, That the Council recommends to the Section of Administrative Law the adoption of the following resolution in substitution for the resolution adopted in 1954 on the same subject:
>
> RESOLVED, That the Section of Administrative Law recommends that the House of Delegates adopt the following resolution:
>
> RESOLVED, That in the opinion of the American Bar Association statutory provisions or administrative action which place arbitrary or unreasonable limitations on fees for legal services to be rendered before administrative agencies, such as those presently applicable to the Veterans Administration, are in practical effect restrictions on the right of a party to an administrative proceeding to be represented by counsel, and are irreconcilable with the public interest;
>
> FURTHER RESOLVED, That the Section of Administrative Law be and it hereby is authorized and directed to advance appropriate legislation and to take other appropriate action to that end.

Comment: The above Resolution has been submitted to the House of Delegates through the Board of Governors for action at the mid-year meeting of ABA.

6. *Compensation of Hearing Examiners and Judicial Officer, Department of Agriculture.* The Section adopted the following Resolution at the Annual Meeting:

> RESOLVED, That the Section of Administrative Law recommends that the House of Delegates adopt the following resolution:
>
> WHEREAS, The American Bar Association on February 21, 1956 adopted a resolution advocating "the inclusion in S. 2628 of an amendment to Section 11 of the Administrative Procedure Act which would provide that Federal Hearing Examiners shall be compensated at Grade GS-18"; and
>
> WHEREAS, H. R. 7619, companion bill to S. 2628 was enacted on July 31, 1956 as Public Law 854 (70 Stat. 736), but without including any increase in compensation for Hearing Examiner positions or related judi-

cial positions below the level of agency members whose salaries were increased in the order of 30%;

NOW, THEREFORE, BE IT RESOLVED, That the American Bar Association urges the enactment of legislation providing for an increase in Hearing Examiner positions to Grade GS-18 and to specify a compensation for the Judicial Officer of the Department of Agriculture at a rate of compensation equivalent to that of an Assistant Secretary of the Department of Agriculture, and that the Section of Administrative Law be authorized and directed to advance appropriate legislation for the above purpose.

Comment: The above Resolution was approved by the Board of Governors as the position of ABA at its October meeting. Appropriate legislation has been drafted by the National Committee to implement the above Resolution and is in the process of being introduced. A report by the National Committee on the current status of the proposed legislation will be included in the next BULLETIN.

7. *Judicial Review—Abbrevation of Record.* At the Annual Meeting, the Section adopted the following Resolution:

RESOLVED, That the Section of Administrative Law recommends that the House of Delegates adopt the following resolution:

RESOLVED, That the American Bar Association supports the enactment of legislation to authorize the abbreviation of the record on review or enforcement of orders of administrative agencies by the Court of Appeals and the review or enforcement of such orders on their original papers and thereby to make uniform the law relating to the record on review or enforcement of such orders.

FURTHER RESOLVED, That the Section of Administrative Law is authorized to support the enactment of legislation embracing the principles of this resolution.

Comment: The Chairman of the Judicial Review Committee, Mr. Raoul Berger, has requested that the above Resolution not be presented to the House of Delegates until certain aspects of pending legislation relating to the filing of record on review and uniformity of rules with respect thereto could be considered by the Council or the Section. A further report of the Judicial Review Committee will be considered by the Council at the mid-year meeting and any appropriate action will be requested of the House of Delegates.

8. *Agency Recognition of Attorney Representation.* The Section adopted the following Resolution at the Annual Meeting:

RESOLVED, That the Administrative Law Section recommends that the House of Delegates adopt the following resolution:

BE IT RESOLVED, That the American Bar Association is of the view that wherever notice or service upon a person or party is permitted or required to be given or made by a statute, rule or regulation, good practice requires that notice or service upon the person or party, if represented by an attorney of record, be made upon such attorney representative of the person or party;

RESOLVED FURTHER, That the American Bar Association believes that the practice of some agencies of the Federal Government which fail to notice or serve attorneys contravenes the precepts of good practice, impairs the fundamental right of persons to be effectively represented by counsel and may defeat rights or prejudice persons in their dealings before Federal agencies; and

RESOLVED FURTHER, That the American Bar Association advocates the correction of agency practice or revision of agency regulations or enactment of appropriate legislation which will assure observance of the right of a person to be effectively represented by counsel and provide for notice or service upon his attorney of record in any proceeding or matter before any Department, Commission or Agency of the Federal Government;

RESOLVED FURTHER, That the Section of Administrative Law be authorized and directed to take appropriate actions for the implementation of this Resolution.

Comment: The above Resolution was approved as the position of ABA by the Board of Governors at its October meeting. Since that time, the Section's Vice Chairman, Mr. Don Beelar, has addressed inquiries to some 45 Federal agencies, as to their practices on this matter, attaching copies of the ABA Resolution. The replies will be reviewed by the Council at the mid-year meeting in Chicago and consideration will be given to the requirements for changes in agency practices by legislation or otherwise.

9. *Postal Matters—Recommended Repeal of Section 2 of Pub. Law 821, 84th Congress.* The Section adopted the following Resolution at the Annual Meeting:

RESOLVED, That the officers of the Section of Administrative Law are authorized to advise the appropriate committees of the Congress and the Post Office Department of the Section's disapproval of Section 2 of Public Law 821 approved on July 27, 1956, relating to the detaining of mail in certain cases.

Comment: (See the Supplemental Report of the Postal Matters Committee in this BULLETIN, *infra*, p. 28.) The Chairman of the Section's Postal Matters Committee, Mr. William I. Denning, and the Section Vice Chairman, Mr. Donald Beelar, are taking appropriate action pursuant to the above Resolution.

NATIONAL COMMITTEE'S COMMENTS ON COMMITTEE REPORTS

[Printed in part]

This is a report to Council members abstracting significant comments received from Committee-chairmen-members of the National Committee on the various Committee reports being presented to the annual meetings. This report together with a separate report on legislative matters constitute the final reports of the undersigned National Committee.

By way of general observation, it will be noted that very few matters submitted in the Committee reports require Section or Association action and on some of these matters action may be deferred since they will be included in the new Code now being drafted. Subjects of more significant interest based on my correspondence would include the following: Code of Administrative Procedure; H. Res. 462; restrictions on lawyer fees; and, the problem of requiring agencies to recognize lawyers who represent parties by notice, service, etc.

The following comments or excerpts are grouped under each of nine Committee reports published in the July *Bulletin*. Two Committee reports are not included in this list; namely, *Mobilization* and *Treasury Department Matters* by reason of their limited content.

Unpublished reports known to me include the following: Supplemental Report of the Public Contracts Committee on effective lawyer representation; Supplemental Report of the Committee on Postal Matters [printed in this issue of the *Bulletin*]; Report of the Committee on Improvements of Administrative Procedure on the subject of this Section's interest or lack of interest in procedures for Congressional investigations, and a Supplemental Report of the Committee on Agriculture recommending an increase in pay for the Judicial Officer.

Action Matters in Supplemental Committee Reports

Judicial Officer, Department of Agriculture

The Agriculture Committee recommends that the ABA advocate an increase in compensation for this Officer. The Federal Executive Pay Act of 1956, approved July 31, 1956, gives pay increases to a large number of officers. For example, for Commission members the pay was jumped about 30%. Subordinate persons performing judicial functions obtained no relief. I have suggested to the Agriculture Committee an alternate resolution in the following form:

> [Introductory clauses the same as printed at page 18 of this *Bulletin.*]
>
> "NOW THEREFORE BE IT RESOLVED, That the American Bar Association urges the enactment of legislation providing for an increase in Hearing Examiner positions to Grade GS-18 and to specify a compensation for the Judicial Officer of the Department of Agriculture at $.... per annum and that the Section of Administrative Law be authorized and directed to advance appropriate legislation for the above purposes."

Agency Recognition of Attorney Representation

The supplemental report of the Public Contracts Committee recommends action requesting the Department of Defense to recognize attorney representatives which was the subject of my letter of June 24, 1956. The response to this indicates a substantial interest in some positive action on a broad basis. I therefore submit the following alternative resolution:

> [Suggested resolution was substantially identical to that adopted by the Section, *supra,* p. 19.]

The practice of dealing with attorneys is adequately observed in several agencies. This is not true in a number of agencies and for various reasons. In some instances, the practice varies between different bureaus within the same agency, e.g., FCC. I am willing to believe that this default in noticing or dealing with attorneys is, in most cases, due to ignorance or inadequate instruction by officials. In some cases, however, it is the result of a deliberate policy to discourage attorney representation and in some cases agency people make a point of letting persons know that lawyer representation is unnecessary or undesirable. The problem therefore divides itself into two parts:

First, no agency should assume or assert any implied power to deprive persons of attorney representation in agency proceedings; certainly, those which are legislative or judicial in character.

Secondly, where a person is represented by an attorney in any matter, dealings should be with the attorney including notice or service. Possibly legislation could specify that notice or service upon an attorney constitute notice or service to the party represented where the representation is a matter of record before the agency. I believe this to be already case-law of the highest authority within the District of Columbia. *Unity School of Christianity (WOQ)* v. *F. R. C.,* 64 F. 2d

550 (62 App. D. C. 52, 1933). In this case, Radio Station KFH in Wichita, Kansas operated part-time on the same frequency assignment as Station WOQ in Kansas City with which it shared time. The Wichita station applied for full-time operation on the frequency which, if granted, would delete the Kansas City station. The trial examiner after a hearing, recommended a denial of the application. The Wichita station filed exceptions to the trial examiner's report and requested argument before the Commission. These exceptions were not served upon the attorney representing Station WOQ but were mailed from Washington to the Kansas City Station. Regulations required service upon "each of the parties". Counsel for WOQ never received the exceptions and had no notice or knowledge of the further proceeding. The Commission, on review of the exceptions, reversed the trial examiner and entered an order deleting Station WOQ. The Court of Appeals reversed the order. It criticized the attorney for failing to serve the attorney on the other side and laid down this rule:

> "When counsel for the parties are located in the same city, we think it better practice to attempt to serve opposite counsel, * * *."

The Court held that the agency was under a duty to properly notice the other party before it heard the case on review. This duty of an agency to notify the counsel for the contesting parties was declared to be a matter of due process, an incident of the requirement for notice and opportunity for hearing; a statutory condition to the agency's power to properly dispose of the case.

> "The function of an examiner is analogous to that of an auditor or special master, and his report has similar weight. The examiner's report in the present case being favorable to WOQ, there was no occasion for that station to file any exceptions. When KFH filed exceptions and requested an oral hearing 'before a quorum of the Commission', it was the duty of the Commission before decision to notify WOQ, whose very existence was involved, and afford that station an opportunity to be heard; otherwise, there would be a denial of due process."

Respectfully submitted,

Donald C. Beelar, Chairman
The National Committee

REPORT OF THE NATIONAL COMMITTEE ON LEGISLATIVE MATTERS

August 20, 1956

This report supplements the previous report of the National Committee on pending legislation and assignments as of August 1955, Ad. Law Bulletin 22-30, and the two reports cover all legislative activities during the 84th Congress.

During the past year some twenty bills have been assigned to nine Committees of the Section. These assignments are listed below.

The numbered bills listed in this and the prior report of the National Committee, if not enacted into law, die with the end of

the 84th Congress. Bills favored by the Section will need to be reintroduced; bills which are opposed, if reintroduced, will need to be watched and opposed. Basically, a new legislative situation is presented with the organization of the next Congress, with one qualification. Bills which have passed the Senate or the House or which have previously been reported out by a Committee, if reintroduced in the next Congress, may be advanced to the next legislative step or enacted without further hearing.

On most of the bills listed in the two reports of the National Committee, there was no Congressional action. This report marks those few bills of interest to the Section which have been enacted into law or on which Congressional Committee reports have been filed. Except where such status is shown below, all bills died in Committee.

A. Committee Assignments

During the Second Session of the 84th Congress, the following bills were assigned to the following named Committees. Most of these bills are discussed in the corresponding Committee reports or in the status part of this report.

1. *Aviation Committee*

H. R. 11578—By Priest
To amend Sec. 610(a) of Civil Aeronautics Act of 1938 to provide for imposition of civil penalties in certain cases.

S. 3268—By Magnuson
To amend Sec. 610(a) of Civil Aeronautics Act of 1938 to provide for imposition of civil penalties in certain additional cases.

2. *Immigration Committee*

H. R. 9182—By Keating
To amend the Immigration and Nationality Act, to regulate judicial review of deportation and exclusion orders.

H. R. 9181—By Keating
Amending the Immigration and Nationality Act.

S. 3169—By Watkins
To amend the Immigration and Nationality Act, to regulate judicial review of deportation and exclusion orders.

S. 3168—By Watkins
Amending the Immigration and Nationality Act.

3. *Labor Committee*

H. R. 11153—By Alger
To amend the Davis-Bacon Act to establish a procedure for making wage determinations under that Act.

S. 4260—By Kennedy
To amend the act of June 30, 1936 (the Walsh-Healey Act).

4. *Postal Matters Committee*

H. R. 9842—By Dowdy
To authorize the Postmaster General to hold and detain mail for temporary periods in certain cases.

H. R. 9848—By Rees
To authorize the Postmaster General to hold and detain mail for temporary periods in certain cases.

S. 3679—By Johnson
To authorize the Postmaster General to hold and detain mail for temporary periods in certain cases.

5. *Public Contracts Committee*

H. R. 10859—By Hill
To amend the Renegotiation Act of 1951 to assist small business.

H. R. 11947—By Cooper
To extend and amend the Renegotiation Act of 1951.

6. *State Department Committee*

H. R. 11582—By Walter
(H. R. 9991)
Amending the Administrative Procedure Act and the Communist Control Act of 1954 so as to provide for a passport review procedure and to prohibit the issuance of passports to persons going or staying abroad to support the Communist movement.

7. *Administrative Procedure Act Committee*

H. R. 9584—By Ashley
To amend the War Claims Act of 1948 to provide for certain hearings before the Foreign Claims Settlement Commission at locations convenient to claimants.

S. 3607—By McClellan
To amend the Federal Register Act, as amended, so as to provide for the effectiveness and notice to the public of proclamations, etc.

8. *Judicial Review Committee*

H. R. 6631—By Priest
To provide for reasonable notice to the agency of applications to the courts of appeals for interlocutory relief against orders of the Civil Aeronautics Board, the Federal Communications Commission, the Secretary of Agriculture, the Federal Maritime Board, and the Atomic Energy Commission.

H. R. 9318—By Bennett (Mich.)
To confer jurisdiction upon the United States Court of Appeals for the District of Columbia to review certain claims for benefits and payments under laws administered by the Veterans Administration.

S. 3528—By Knowland
To provide for judicial review of administrative findings of the Secretary of Labor under Title III of the Social Security Act, as amended, and Chapter 23 (Federal Unemployment Tax Act) of the Internal Revenue Code of 1954, as amended.

S. 3529—By Knowland
To provide for judicial review of the findings of the Secretary of Labor under Section 303 of the Social Security Act, as amended, and Sections 3303 and 3304 of the Internal Revenue Code.

9. *Section Chairman*

H. Res. 462—By Smith
Amending the Rules of the House to create a standing Committee on Administrative Procedure and Practice.

For convenience in finding the above assigned bills, they are serialized below and cross indexed:

	House Bills	*Par.*		*Senate Bills*	*Par.*
H. R.	6631	8	S.	3168	2
	9181	2		3169	2
	9182	2		3268	1
	9318	8		3528	8
	9584	7		3529	8
(P. L. 821)	9842	4		3607	7
	9848	4		3679	4
	10859	5		4260	3
	11153	3			
	11578	1			
(P. L. 870)	11947	5			
H. Res.	462	9			

B. Status Report on Major Legislative Activities

(Hits, Runs, Strikeouts and Errors)

Hoover Commission Bills. There was no Congressional activity on the several Hoover Commission Bills of interest to this Section or on the somewhat related trial examiner bills.

Legislative Committee on Administrative Procedure & Practice. The proposal to create a Congressional Committee on Administrative Procedure and Practice can be scored as a hit. H. Res. 462, introduced pursuant to Section/ABA sponsorship and the subject of extended hearings before the House Rules Committee on May 22-24, 1956, was advanced to second base and should be brought home during the next Congress. See *Hearings* on H. Res. 462.

Amendments to Administrative Procedure Act. No new amendments to the Administrative Procedure Act were enacted during the past year. Hearings were held on H. R. 11582, see paragraph six above, on procedures for passport matters, but no report was filed by the House Judiciary Committee.

Indian Claims Commission. With the enactment of H. R. 5566 (S. 1746) on July 24, 1956, P. L. 767, the life of the Indian Claims Commission was extended for five years and the proposal to exempt its examiners from the Administrative Procedure Act was deleted. These two points are in agreement with the ABA position. The proposal to reopen the period within which claims might be filed and the recommendation that jurisdiction over cases be transferred to the Court of Claims were not adopted. The score on this subject is 500%.

Independent Office of Administrative Procedure. The Department of Justice sought and obtained an appropriation ($50,000) to establish a pilot Office on Administrative Procedure within the Department of Justice. This was not opposed although the ABA is on record favoring an *independent* office since the Justice Department spokesman was very explicit in disclaiming jurisdiction over a permanent office in the Department.

Mail Impounding. H. R. 9842 was approved July 27, 1956, P. L. 821, conforming substantially with the ABA resolution authorizing temporary impounding of mail in certain cases subject to certain limitations. The only change was the addition of the Monroney Amendment exempting publications and "copyright material". The Section, it is believed, should disassociate itself from the copyright exemption.

Administrative Penalties. No hearings were in fact held on bills to authorize imposition of money penalties. Hearings were called before the House Interstate and Foreign Commerce Committee on April 19, 1956 to consider FCC circulated revisions to H. R. 5613 which in substantial factors complied with the ABA resolution adopted at the mid-year meetings. The House Committee in the scheduled morning session did not reach this subject. The National Committee suggests that the

statement of principles incorporated in the ABA resolution should be made an integral part of the Code of Administrative Procedure for general application to any money penalty powers in regulatory fields.

Agency Fees and Charges. The National Committee submitted testimony on behalf of the Association before the House Appropriations Committee on February 17, 1956 urging repeal of the 1952 appropriations rider (5 U. S. C. 140). Although the Subcommittee on General Government Matters seemed to be impressed with the reasonableness of the ABA position, no corrective amendment was reported out. On February 1, 1956, a 250-page report on this subject was published by the Senate Committee on Government Operations pursuant to S. Res. 140 (Rep. No. 1467). So far as is known, agency implementation of licensing or regulatory fees continues dormant among the major agencies.

Renegotiation Act. H. R. 11947, Renegotiation Amendment Act of 1956 was approved August 1, 1956, P. L. 870. This extension of the Act is in accord with the Section sponsored ABA resolution although the legislation failed to incorporate procedural reforms advocated by the Association.

Judicial Review. The National Committee, by authority of the Council Meeting of May 27, 1956, filed a written statement with the House Interstate and Foreign Commerce Committee supporting adoption of H. R. 6631 which would modify the five day delay period required by the Hobbs Act and Civil Aeronautics Act. Previously, hearings were held on this bill which was supported by the Judicial Conference. The House Committee, however, failed to act on this legislation or file a report.

Hearing Officers in Indian Probate Work. The Department of the Interior Appropriations Act approved June 16, 1955, included a rider providing "That hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedure Act, as amended". This same rider was carried forward in the current Appropriation Act of June 13, 1956, P. L. 573. The subject examiners, it is believed, were of the lowest grade permitted under the Civil Service Classification. Aside from the merits of the exemption, it is exceedingly unfortunate that Code Law can be enacted or repealed by appropriation riders which fail to provide notice or opportunity to be heard on the part of interested persons or organizations. It is suggested that the appropriate Section Committee be requested to study all matters pertaining to status of Indian probate examiners taking into consideration the views of the Department, of interested persons, and of the hearing officers themselves.

The Federal Executive Pay Act of 1956. P. L. 854, approved July 31, 1956, increased the pay of a large number of Government officials including the members of regulatory agencies who obtained a boost of about 30%. No relief was given to hearing officers at sub-agency level who performed judicial functions as urged by the ABA resolution of February 21, 1956. Since the ABA resolution sought amendment of S.

2628 and was unsuccessful, it is believed that this position of the Association to be carried forward requires a new resolution.

Immigration Bills. The Section was scheduled to give testimony in support of ABA resolutions urging certain procedural changes to the Immigration Act before the Senate Judiciary Committee on November 29, 1955. See S. 3167, S. 3168 and S. 3169 (also S. 519 and S. 1206). Although testimony was filed with the Committee, the scheduled hearing was called off and no report was filed on this legislation.

C. Citation to Hearings, Reports and Approved Bills

Approved Bills:

H. R. 5566—Extending the Indian Claims Commission.

P. L. 767—Approved July 24, 1956, H. Rep. 1483; S. Rep. 1727; Conf. Rep. 2719.

H. R. 5614—Amending Sec. 309(c) of Communications Act, 1934.

P. L. 391—Approved Jan. 20, 1956, H. Rep. 1051; S. Rep. 1231. (No ABA position taken.)

H. R. 9842—Temporary impounding of obscene mail.

P. L. 821—Approved July 27, 1956; H. Rep. 2073; S. Rep. 2234.

H. R. 11947 — Renegotiation Amendment Act of 1956.

P. L. 870—Approved Aug. 1, 1956, H. Rep. 2549; S. Rep. 2624. (H. R. 4904, P. L. No. 216 had extended the Act to Dec. 31, 1956.)

Expired Bills, Heard or Reported:

H. R. 6631—Amendment of Hobbs and Civil Aeronautics Act re judicial review. Hearings published July 13, 1956.

H. R. 6682—Authorizing abbreviation of record on review. Hearings held May 17, 1956.

H. R. 9584—Providing for procedures before War Claims Commission. Hearings held June 13, 1956.

H. Res. 462—To create a permanent committee on Administrative Procedure and Practice. Hearings published June 13, 1956.

S. 308—To amend the Civil Aeronautics Act. Hearings published July 14, 1955.

S. 1549—Authorizing FCC money penalties. Hearing published Aug. 10, 1955.

S. 1648—To amend Sec. 309(c) of Communications Act. Hearing published Aug. 10, 1955—Companion bill to H. R. 5614, enacted June 20, 1956.

S. 1746—Extending Indian Claims Commission. S. Rep. 849, July 13, 1955. Companion bill to H. R. 5566, enacted July 24, 1956.

S. 3167, S. 3168, S. 5169, S. 1206, S. 519—To amend the Immigration Act, etc. Hearings held in Nov. 1955 and April 16, 1956.

S. Res. 140—Agency Fees and Charges. S. Rep. 1184, published July 29, 1955. S. Rep. 1467, "Fees for Government Services" published Feb. 1, 1956.

Conclusion

With the filing of this report the curtain is brought down on the first decade under the Administrative Procedure Act. This is not the place to review the Section's ten-year record of legislative activities or the significant gains or losses which have occurred during this period. What is past is prologue. Those things which have been

obtained mark only the beginning of a continuing struggle for fair and orderly procedures and a greater integrity in agency proceedings. This year will mark the opening of Act II which will unveil the Association's legislative program for a new Federal Administrative Code and related improvements in administrative law. This new effort forged out of ten years of experience provides a challenge and an opportunity of unique importance to the Section. It permits a clean slate approach to an overall legislative program which will supersede virtually all of the uncompleted legislative recommendations initiated by this Section. With our entry into the second decade there is no lack of things to do which will continue to challenge the best efforts of the Section.

DONALD C. BEELAR, Chairman
The National Committee

COMMITTEE ON POSTAL MATTERS

Supplemental Report

August 23, 1956

1. *On Impounding Mail*

Since the Report on Postal Matters printed in the July 1956 Administrative Law Bulletin (pp. 129-130) H. R. 9842, a bill to authorize the Postmaster General to hold and detain mail for temporary periods in certain cases, passed the Senate with an amendment, which was concurred in by the House, and became Public Law 821 by approval of the President on July 27, 1956.

The bill had passed the House in the form covered by the aforesaid report of the Committee on Postal Matters and was reported to the Senate with a minor clarifying amendment. During its consideration in the Senate an amendment was offered by Senator Monroney which "would exempt regular publications such as newspapers or magazines, which are entered as second class matter; and also books and other publications which are registered under the Copyright Act." Senator Monroney further said "I believe the amendment would preserve the traditional and historic guaranty of freedom of the press." (Cong. Rec. 11130). The amendment as adopted reads as follows:

> Sec. 2. The provisions of this Act shall not apply to mail addressed to publishers or distributors of publications which have entry as second class matter under the Act of March 3, 1879, as amended (Ch. 180, 20 Stat. 358; 39 U. S. C. 221, et seq.), or to publishers or distributors of copyrighted books and other publications as to which certificate of registration of copyright has been issued under the copyright laws of the United States (title 17, U. S. C.).

It appears that the quoted section exempts from an impounding order the mail of any person involved in an administrative proceeding before the Postmaster General under Section 259a of Title 39 having entry as second class matter under the Act of March 3, 1879, or has been issued a copyright certificate under the copyright laws, even though the proceeding itself may not involve a publication, article or thing hav-

ing second class entry or a copyright certificate. The Committee on Postal Matters was not advised of the amendment offered by Senator Monroney on the Senate floor, hence, the amendment was not considered or approved by the American Bar Association or by this Committee.

Information from the Post Office Department is to the effect that, even without the amendment above quoted, Public Law 821 could not have applied to publications having second class entry under the Act of March 3, 1879, as amended, for the reason that under the Act of March 3, 1901 (39 U. S. C. 232), a publication having second class entry "shall not be suspended or annulled until a hearing shall have been granted to the parties interested." Such hearings are subject to the Administrative Procedure Act. The Committee on Postal Matters is gratified to note that full and complete rules governing administrative hearings relative to the denial, suspension or annulment of second class mail privileges were promulgated and published in the Federal Register, January 6, 1956, Volume 21, No. 3, p. 105.

2. *Proposed Legislation on Unsolicited Merchandise in the Mails, etc.*

Hearings under H. Res. 304 have not been printed with respect to mailability of articles and printed matter generally and proposed legislation for impounding of mail addressed to persons who mail unsolicited articles with request for payments or contributions, or who conduct any lottery or any scheme for obtaining money or property through the mails by means of false and fraudulent pretenses, representations, or promises in violation of Sections 255, 259, or 732 of Title 39 U. S. Code. Nor was any bill introduced along this line as a result of the hearings.

3. *Revision and Codification of Title 39 of U. S. Code, Postal Service.*

Among the bills affecting Postal Service which died in the last session of Congress was H. R. 7768, a bill to revise, codify and enact into law, Title 39 of the U. S. Code, entitled The Postal Service. The recodification was drafted in the Post Office Department and under instructions from the Committee on the Judiciary the bill is not supposed to include any changes in substance which materially depart from the meaning of the present law or which are of a controversial nature. The bill will in all probability be reintroduced in the next session of Congress.

Title 39 contains many statutes which are obsolete, antiquated as to form, confusing and conflicting as to purpose and meaning. The redrafting involves elimination, as well as consolidations with consequent rephrasing. This is the first recodification of postal statutes undertaken since the enactment of the Revised Statutes in 1872, and problems of momentous consequences are involved. Therefore, it is recommended that the Committee on Postal Matters be authorized to study the draft and report to the Council.

4. *Extension of Foreign Agents Registration Act to certain persons who use the mails to disseminate political propaganda.*

Other bills which died in the last session were designed to amend the Foreign Agents Registration Act. These proposals will no doubt be re-introduced in the next session.

Subsections (a) and (b) of Section 4 of the subject Act require the filing and labeling of political propaganda transmitted in the United States mails, or by means of interstate or foreign commerce "(i) in the form of prints or (ii) any other form intended to be circulated among two or more persons." The Attorney General said in a letter to the Vice President dated January 26, 1954, that the quoted matter constitutes a test which is most difficult to administer, and is considered unwarranted. Its deletion was suggested and a new subsection was recommended be added to Section 4 to give legislative sanction to what is presently a rule promulgated by the Attorney General. The rule, designed to plug a loophole in the disclosure provisions of the Act, subjects an agent of a foreign principal physically outside the United States to the registration, filing and labeling provisions of the Act, in the event such agent disseminates political propaganda within the United States through the mails or any other means of interstate or foreign commerce. This rule is now being utilized by the Bureau of Customs as its authority for the seizure of propaganda destined to persons not registered with the Department of Justice; also as the legal basis of the Post Office Department for declaring nonmailable propaganda mailed by an agent of a foreign principal outside the United States which has been seized by the Bureau of Customs.

"Political propaganda" is defined in Section 1(j) of the Act as including "any * * * communication * * * (1) reasonably adapted to * * * influence a recipient * * * with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions, or (2) which * * * promotes any * * * conflict involving the use of force or violence in any other American republic * * *"

To give legislative approval to the rule of the Attorney General, Senator Wiley, from the Judiciary Committee reported favorably on May 14, 1956, Senate Bill 1273 (Report No. 1996) containing the Attorney General's recommended subsection (e) to Section 4. It passed the Senate May 21, 1956, and was referred to the Judiciary Committee of the House, where hearings were held on July 9th on S. 1273 and H. R. 4105 similar to S. 1273. The House Committee took no action on either bill.

A most important part of the amendment submitted by Justice would be to allow the unrestricted admission of matter which had been ordered by the addressee, and bar only that which had been sent unsolicited. This is acceptable to Customs and Post Office and in Post Office's opinion if adopted would eliminate the cause of most of the controversy in the past.

It is recommended that the Committee on Postal Matters be authorized to study the administrative questions involved in the proposed amendments to Foreign Agents Registration Act and report to the Council.

5. *Sunshine Book Company v. Summerfield Case*

In June 1956, the Court of Appeals for the District of Columbia handed down a very important decision affecting the procedures used by the Post Office Department in its regulation of allegedly "obscene" mail. The Court ruled that it was "an interference with freedom of the press" for the Post Office to bar allegedly obscene literature from the mails without a *prior hearing.* The ruling was said to apply "with equal force to books, magazines and newspapers, all of which are entitled to the protection of the First Amendment." However, there is pending before the Court of Appeals an order of reconsideration *en banc* of this decision.

For the entire Committee:
William I. Denning, Chairman
Abe McGregor Goff, Vice Chairman
Edward de Grazia, Vice Chairman

SUPPLEMENTAL REPORT OF THE PUBLIC CONTRACTS COMMITTEE FOR THE YEAR 1955-1956

This Supplemental Report deals with the subject of Renegotiation, upon which this Committee reported heretofore. The occasion for this supplement is the passage by Congress and the approval by the President on August 1, 1956, of Public Law 870, which amends and extends the Renegotiation Act for two years, to December 31, 1958.

The more important Amendments to the Act are: (1) The exemption from renegotiation was increased from $500,000 to $1,000,000, on receipts and accounts for fiscal year ending after June 30, 1956; (2) The contracts of all but eight contracting agencies were eliminated from renegotiation. Those agencies still subject to the Act are Departments of Defense, Army, Navy, Air Force, Commerce (Maritime Administration and Federal Maritime Board only), Atomic Energy Commission and the General Services Administration; (3) If a contractor sustains losses for two consecutive years, under the extension, he may offset the losses of both years against the profits of the third year. Thus losses sustained in 1954 and later years may be carried forward two years.

While these and other Amendments relaxed the application of the Act to some extent they do nothing to meet the request of the American Bar Association, communicated by the Chairman of this Section to Mr. Colin Stam, Chief of Staff, Joint Committee on Internal Revenue Taxation, that legislation be enacted (a) recognizing the adversary character of proceedings before the Renegotiation Board and (b) providing a greater degree of procedural due process for contractors who are parties thereto. Nothing has yet been done by Congress, therefore, to correct the procedural defects in renegotiation proceedings.

The matter probably will have to be handled by efforts to persuade the Renegotiation Board to adopt appropriate Rules remedying the defects complained of.

Bernard J. Gallagher, Chairman
Gilbert Cuneo, Vice Chairman
Public Contracts Committee,
Administrative Law Section,
American Bar Association

CHAIRMAN'S PAGE

Next Council Meeting. The Council will meet at the time of the ABA mid-year meeting in Chicago, February 16 and 17, 1957, at the Edgewater Beach Hotel; beginning at 12:30 p.m., Saturday, February 16. All Section members are cordially invited to attend.

Committee on ABA Participation In Appointment of Agency Members. A special Committee has been appointed to explore the possibilities of ABA's supplying appraisals of lawyers proposed for appointment to Federal administration agencies, a program to parallel ABA activity in connection with the appointment of Federal judges. The committee headed by Clarence Davis will report to the Council at the mid-year meeting.

Section Organization. This issue of the *Bulletin* contains the names of committee chairmen and vice-chairmen. A list of committee members will be included in the next *Bulletin*.

Membership List. This issue of the *Bulletin* contains a membership list as up to date as possible at this time. Subsequent issues of the *Bulletin* will carry changes in the membership list. Your Chairman would appreciate knowing of any corrections which should be made in the membership list.

Next Bulletin. The next issue of the *Bulletin* will be mailed to all Section members on or about March 1, 1957. It will contain the annual review of Supreme Court and other decisions affecting administrative procedure and practice by Professor Bernard Schwartz, *Bulletin* Editor, and a progress report on pending and proposed legislation. Any matters to be included in the *Bulletin* may be brought to the attention of the Chairman on or before February 25, 1957.

Harold L. Russell
Chairman

ORGANIZATION 1956-1957

Section of Administrative Law

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Vice-Chairman—Donald C. Beelar, World Center Bldg., Washington 6, D. C.

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* NOTE—Year shown in parentheses indicates expiration of term.

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(December 1956)

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Marvin E. Lewis
703 Market St. (5)

Robert Littler
593 Market St. (5)

Walker W. Lowry
1500 Balfour Bldg. (4)

Everett A. Mathews
1977 Pacific Ave. (9)

Hon. Everett C. McKeage
State Bldg.
Wing Foon Ong
719 Grant Ave.

Frederick G. Pfrommer
114 Sansome St. (4)

Harold G. Pickering
198 McAllister St. (2)

Charles P. Scully
David Hewes Bldg. (3)

Alfred C. Skaife
518 Balboa Bldg. (14)

Samuel B. Stewart, Jr.
300 Montgomery St. (4)

John H. Wallace
333 Montgomery St. (4)

R. P. Wisecarver
315 Montgomery St. (4)

San Jose
Miss Lucile Lomen
1972 Meridian Rd.

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1020 Bank of Amer.

San Mateo
David Francis Doyle
25 Longview Court

Santa Rosa
John E. McDonald
Bk. of Amer. Bldg.

Sherman Oaks
Miss Marieta A. Kellum
4258 Beverly Glen Bldg.

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Stanford Law School

Matthew Stafford
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Vallejo
Russell F. O'Hara
525 Capitol St.

Colorado

Colorado Springs
Dennis O'Rourke
Golden Cycle Bldg.

Denver
Charles J. Biese
930 1st Natl. Bk. Bldg. (2)

Frederic L. Kirgis
222 Equitable Bldg. (2)

Trinidad
Charles S. Vigil
437 University St.

Connecticut

Bridgeport
Robert D. Delaney
886 Main St.

Norman King Parsells
886 Main St. (3)

Hartford
John Laurence Collins
50 State St.

Wilson C. Jainsen
690 Asylum Ave.

James Hall Kinsella
386 Fairfield Ave. (6)

John S. Murtha
97 Elm Street (14)

Olcott D. Smith
750 Main Street (3)

Ronald G. Tormey
42 Asylum St. (3)

New Haven
Jeremiah D. Shea
185 Church St.

West Haven
James L. R. Costello
72 Main St. (16)

Delaware

Wilmington
Roger R. Horton
Atlas Powder Co.

John R. L. Johnson, Jr.
Hercules Powder Co. (99)

Gerard P. Kavanaugh
929 Delaware Trust (1)

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Harry J. Breithaupt, Jr.
927 Transport Bldg. (6)

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1406 G St., N.W. (5)

Clifford J. Hynning
1821 Jefferson, N.W. (6)

Bryce Rea, Jr.
Munsey Building (4)

Nathan Siegel
9th X Pennsylvania

Robert L. Ackerly
1625 K St., N.W., 7th Fl. (6)

Stephen Ailes
Shoreham Bldg. (5)

Fred W. Albertson
Munsey Bldg. (4)

Isadore G. Alk
820 Woodward Bldg. (5)

Nicholas E. Allen
1420 New York, N.W. (5)

Douglas A. Anello
Federal Communica. (25)

Monte Appel
2811 Foxhall Rd. (7)

Anthony F. Arpaia
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1921 Eye St., N.W. (6)

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3122 Legation St., N.W. (15)

John Ford Baecher
3217 Patterson, N.W.

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744 Jackson Pl., N.W. (6)

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1108—16, N.W. (6)

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1625 K St., N.W., 7th Fl. (6)

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Henry G. Beauregard
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3215 Morrison, N.W. (15)

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317 Cafritz Bldg. (6)

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3060—16th St., N.W.

Ralph Vincent Jones
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William B. Jones
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605 Cafritz Bldg. (6)

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1701 K St., N.W.

Frederic P. Lee
807 Ring Bldg. (6)

Marx Leva
1701 K Street Bldg. (6)

Harold Leventhal
2406—44th St., N.W. (7)

Arnold Levy
Washington Bldg. (5)

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Robert Lowenstein
3111 Rittenlouse, N.W. (15)

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312 Colorado Bldg. (5)

Marshall H. Lynn
3119—38th St., N.W.

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National Press Bldg. (4)

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Donald MacLeay
1625 K St., N.W. (6)

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425—13th St., N.W. (4)

William F. McDonnell
Tower Bldg. (5)

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Neville Miller
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205 Transportation Bldg. (6)

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1323—18th St., N.W.

Warren E. Miller
910—17th St., N.W. (6)

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Robert Sheriffs Moss
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